

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

WESLEY O. NELSON,

Plaintiff,

- v -

**SEAN M. RALPH, CHRIS P. LEHENBAUER
and MICHAEL F. TEN EYCK c/o OTSEGO
COUNTY SHERIFF'S DEPARTMENT,
COOPERSTOWN, NEW YORK 13326**

DECISION

Case No: 3:4-CV 0261

TMJ GLS

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

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MICHAEL A. JACOBS, ESQ.

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JAMES E. KONSTANTY, ESQ.

FOR DEFENDANTS RALPH AND LEHENBAUER

NYS ATTORNEY GENERAL OFFICE
David B. Roberts, AAG
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Albany, NY 12224-0341

DAVID B. ROBERTS, AAG

HON. THOMAS J. McAVOY, JUDGE

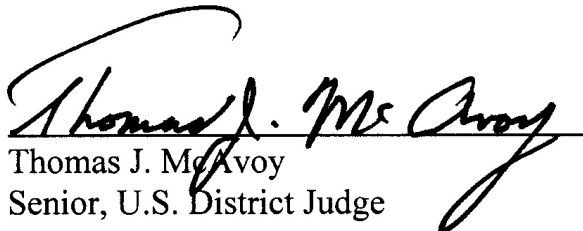
The above entitled action having been brought before the Court on the 9th day of May, 2005 at the U.S. District Court for the Northern District of New York, Albany, New York by motion for summary judgment pursuant to FRCP 56 of the claimed causes of action contained in the Summons and Complaint of the Plaintiff by Defendant Ten Eyck, and upon the pleadings and motion documents submitted herein and the parties having appeared by counsel before the Court this date and made their respective arguments on the motions

NOW, upon the motion of JAMES E. KONSTANTY, ESQ., Attorney of Record for the Defendant Ten Eyck herein, it is

ORDERED, that pursuant FRCP 56, Summary Judgment is granted to Defendant Ten Eyck herein as to all claimed causes of action contained in the Summons and Complaint of Plaintiff for the reasons stated from the bench on May 9, 2005.

IT IS SO ORDERED.

Dated: May 19, 2005


Thomas J. McAvoy
Senior, U.S. District Judge